

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CHARLES RASO, TRUSTEE  
of the MASSACHUSETTS BRICKLAYERS  
AND MASONS HEALTH AND WELFARE,  
PENSION AND ANNUITY FUNDS,

Plaintiff,

v.

DEPAOLI MOSAIC CO., INC., FINAMORA  
REALTY TRUST and WALTER F. MORGAN, JR.  
Individually and as President of  
DEPAOLI MOSAIC CO., INC.

Defendants.

C. A. No. 05-11380-RGS

**JOINT MOTION TO POSTPONE SCHEDULING CONFERENCE**

A Scheduling Conference is scheduled in the above referenced matter for November 16, 2005 at 2:00 p.m. The parties jointly request that the Scheduling Conference be postponed until sometime after April 1, 2006. The parties have entered into a Settlement Agreement, attached hereto as Exhibit A, resolving all of the outstanding issues between them. Upon the satisfactory completion of certain payment obligations of the Defendant by March 15, 2006, the Parties will jointly stipulate to dismiss this matter with prejudice.

For the Plaintiff,  
Charles Raso, Trustee of  
Massachusetts Bricklayers and Masons  
Health, Welfare & Annuity Funds,  
By his Attorney,

/s/ Michael A. Feinberg  
Michael A. Feinberg, BBO #161400  
Feinberg, Campbell & Zack, P.C.  
177 Milk Street  
Boston, MA 02109  
(617) 338-1976

For the Defendants,  
DEPAOLI MOSAIC CO., INC. et al.  
By their Attorney,

/s/ William R. Moriarty  
William R. Moriarty, Esq.  
Sassoon & Cymrot  
84 State Street  
Boston, MA 02109  
(617) 720-0099

Dated: November 8, 2005